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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,031	10/27/2000	Michael L Obradovich	40985/DMC/C685	6778

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,031

Applicant(s)

OBRADOVICH, MICHAEL L

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 13, 14, 16 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 13, 14, 16 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7, 11, 13-14, 16 and 22-25 are pending in this application and claim 1 is amended in the amendment filed on 04/02/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As in claim 1, the recited limitation "receiving, by the personal computer device, the information, including non-coordinate information concerning the tag location, from the external server; and providing, by the personal computer device, the received information, including the non-coordinate information concerning the tag location, to a remote computer system having a database residing in a memory. The examiner assumes the "non-coordinate information concerning the tag location" is the any information, which does not include the longitudes and latitudes for purpose of examination.

Response to Arguments

3. Applicant's arguments filed 04/02/04 have been fully considered but they are not persuasive.

The applicant argues "there is no disclosure or suggestion as to providing by the personal computer device, the received information, including the non-coordinate information concerning the tag location, to a remote computer system having a database residing in a memory."

The examiner respectfully disagrees with the above argument. Fultz's suggests "the auxiliary service provider 10 is interpreted to be a remote computer system having a database residing in a memory wherein the requested information (e.g. specific travel information as vehicle routing information about two points and the general information can include the location of roadside service such as restaurant, and gas stations, and it can be as specific as locating an address or a phone number from the yellow pages wherein the non-coordinates information are the restaurant, gas stations, address, and phone number in response to the requested information from the mobile 2 and sending them to the auxiliary service provider" (col. 5, lines 35-65).

The applicant also argues "the individual search profile of Herz does not include a standard profile as recited in claim 11. The standard profile is "a standardized profile made available for selection for selection by the user," which is different from an individual search profile that is an individual profile representing a single user's interest."

The examiner respectfully disagrees with the above argument. As previously discuss, the individual search profile in Herz is the standardized profile. The applicant

goes great length trying to give the example from the specification in order to distinguish from the standardized and individual search profile from Herz. The examiner suggests to incorporating the language from the specification in order to clarify the language of the recited claim. The examiner cannot distinguish between the standardized and individual search profile.

The applicant argues "a single search profile of Herz does not disclose or suggest a copied profile in the context of claim 22."

The examiner respectfully disagrees with the above argument. As previously discuss, the examiner explains the copied profile the search profile that shares similarity of interest. The applicant states "it is an exact copy of one of the other profile." Herz also suggests "as in any application involving search profiles, they can be initially determined for a new user (or explicitly altered by an existing user) by any number of procedures, including the following preferred method: (1) asking the user to specify the search profiles directly by giving the keywords and/or numeric attributes, (2) using copies of the profiles of target object or target cluster that the user indicates are representative of his or her interest, (3) using a standard set of search profiles copied otherwise determined from the search profile sets of people who are demographically similar to the user" (col. 56, lines 11-24). This suggests that Herz's system uses the copied search profile or using the same search profile sets of people who are demographically similar to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fultz (US. Patent No. 6,021,371).

Regarding on claim 1, Fultz teaches a method, using a personal computer device, of populating a database comprising:

determining a tag location (user or mobile location 2) (col. 5, lines 37-38);

requesting (inquiry), by the personal computer device (mobile unit 2) (col. 5, lines 38-39) information from an external server (based station 1) concerning the tag location (mobile or user location) (col. 5, lines 38-54);

receiving by the personal computer device, the information, including non-coordinate information concerning the tag location, the information from the external server (auxiliary service provider 10 responds to the inquiry or request) (col. 5, lines 55-66); and

providing, by the personal computer device, the received information, including non-coordinate information concerning the tag location, to a computer system having a database residing in memory (col. 6, lines 11-16).

Fultz does not explicitly teach a tag location have described. However, the examiner interprets “the tag location” is a user or mobile location as describes in Fultz (col. 5, lines 36-37). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the mobile location in Fultz into “tag location” as claimed in order to provide users with information that is specific to the user’s geographical location.

Regarding on claim 2, Fultz teaches determining a tag location comprises:

Evaluating the position of the personal computer device, the personal computer device being a GPS capable services (col. 6, lines 17-20);

Waiting a preselected time period (col. 6, lines 17-20);

Reevaluating the position of the GPS capable service (col. 6, lines 17-20); and

Determining if the position of the GPS capable device before and after waiting the preselected time period is substantially the same (col. 6, lines 17-20).

Regarding on claim 4, Fultz teaches the tag location comprises a plurality of locations (mobile travel locations) (col. 6, lines 7-8).

Regarding on claim 5, Fultz teaches the tag location comprises a selected area (mobile location) (col. 6, lines 7-8).

Regarding on claim 6, Fultz teaches the requesting information concerning the tag location comprising:

Formatting a request identifying the selected area to a server computer system (col. 5, lines 38-39); and

Communicating the request identifying the selected area (location data) to the server computer system (col. 6, lines 7-11).

5. Claim 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fultz (US. Patent No. 6,021,371) in view of Sotiroff et al. (US. Patent No. 5,852,810).

Regarding on claim 3, Fultz teaches determining a tag location comprises: presenting a map display using the personal computer device to a user (col. 7, line 9-13);

Fultz teaches display 18 may include a touch screen for an input (col. 7, lines 17-18); however, Fultz does not explicitly teach receiving a selected position on the map display. However, Sotiroff teaches, "the user is allowed to select a more specific area, in this case a particular state 30, from the high level map by moving a point device over the area and selecting area (step 100, FIG. 6). Since the map is designated as an image map, the browser 26 returns the coordinates of the point of selected on the map" (col. 4, lines 11-17). This implication shows when the user selected a state by clicking on the state 30 as a selected position on the map and the coordinates are returned to the system to retrieve the area. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Sotiroff into Fultz in order to allow the user to selected the specific location in the map would allow the system to retrieve the area and the reference locations as user requested.

Regarding on claim 7, Fultz teaches a method of populating the database based on the requesting information concerning the tag location as in claim 6.

Fultz does not explicitly teach the determining a tag location comprises: presenting a map display to a user, the map display providing for selection of an area of the display; receiving an indication of an area selected on the map display.

On the other hand, Sotiroff teaches presenting a map display to a user, the map display providing for selection of an area of the display (col. 4, lines 11-15); receiving an indication of an area selected on the map display (col. 4, lines 15-33).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Sotiroff into Fultz in order to allow the user to selected the specific location in the map would allow the system to retrieve the area and the reference locations as user requested.

6. Claims 11, 13-14 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (US. Patent No. 5,754,938).

Regarding on claim 11, Herz teaches a method of accessing data in a database using a profile, the data comprising an indication of a geographic location and information regarding the geographic location, the method comprising:

Receiving a request for data from a database (search for target object) (col. 26, lines 17-19);

Forming search criteria for a search of the database, the search criteria including details of the request for data and details of a profile identified by the profile identification (to search for target objects that match a search profile from a user's search profile set) (col. 26, lines 17-21); and

Locating data fulfilling the search criteria (col. 26, lines 19-21).

Herz does not explicitly teach receiving a profile identification associated with the request for data from the database, the profile identification identifying a profile, the profile being associated with a user, the user having multiple profiles associated with the user, the multiple profiles including a profile including information about the user and a standard profile, the standard profile being a standardized profile made available for selection by the user. However, Herz states, "because people have multiple interests, for example, by consisting of a set of individual search profiles, each of which identifies one of the user's areas of interest" (col. 5, lines 19-23). In addition, Herz also states, "because people have multiples interests, a target profile interest summary for a single user must represent multiple areas of interest, for example, by consisting of a set of individual search profiles, each of which identifies one of the user's areas of interest. Each user is presented with those target object whose profile mostly match the user's interests as described by the user's target profile interest summary" (col. 5, lines 19-26). This implication teaches a target profile interest is the profile including information about user and the individual search profile is the standard profile for the user to use in the search. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include target interest summary in Herz as search parameters in order to retrieve the information using the user profiles.

Regarding on claims 13 and 23, Herz teaches the user information includes a user age (age) (col. 4, lines 47-67).

Regarding on claims 14 and 24, Herz teaches the profile includes items identified as favorites of the user (target object) (col. 4, lines 47-67).

Regarding on claim 22 is rejected same as claim 11 except for the copied of the profile, the copied profile being, when created, a copy of another profile associated with the user. Herz teaches, "One use of these searching techniques is to search for target objects that match a search profile from a user's search profile set" (col. 26, lines 17-19). In addition, Herz also teaches, "each user is presented with those target objects whose profiles most closely match the user's interests as described by the user's target profile interest summary" (col. 5, lines 23-26). The profile interest summary is the multiples user profiles. The copied profile is the single search profile that the user uses to search for information, single search profile search a copied profile or profile that shares some of the similarity of the profile interest summary. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include multiple user profile in taught in Herz to search in order to retrieve information that related to user's profiles.

7. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al (US. Patent No. 5,754,938) in view of Reese (US. Patent No. 6,374,237).

Regarding on claims 16 and 25, Herz teaches modifying user profile by the server except a request for modification of details of a profile, and modifying the profile in response to the request for modification of details of the profile. However, Reese states, "the client prompts (step 260) the user to modify the user profile request. If the user wish to modify the user profile request, the client can send the modified user profile to the matching server to conduct a further search of the content sites" (col. 4, lines 22-

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27). This implication teaches the user is prompt for choice of modifying the user profile and if so the modified user profile is sent to the server to conduct the search.

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Reese into Herz in order to allow the user to request to modify the user profile and using the modified profile to search would retrieve the result much relevance to the users.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brodie (US. Patent No. 6,427,121 B2) Patent date: 07/30/2002

Ryan et al. (US. Patent No. 6,421,675 B2) Patent date: 07/16/2002

Brandburn (US. Patent No. 6,745,188B2) Patent date: 06/01/2004

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
June 10, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER